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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 April 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-65* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-65* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the following communications: Amendment filed 03/21/2008.

This action is made Final.

2.   Claims 1- 65 are pending in the case. Claims 1, 32- 34, 45, 56-58, and 61-62 are the independent claims.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966),

that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.   **Claims 1-18, 20-65 are rejected under 35 U.S.C 103(a) as being unpatentable over Cadiz et**

al **(hereinafter Cadiz) U.S. Pub. No. 20020186257 published Dec. 12, 2002 and filed June 8,**

2001, in view of Miura et al. (hereinafter Miura) U.S. Patent No. 7246329 filed July 17, 2001.

In regard to **Independent claim 1,** Cadiz teaches a method comprising:

- Modifying an existing context menu <u>in existing software via a client side module</u>,
  comprising additional menu information (Cadiz page 20, Para 0192 and Figure 5) Cadiz
  teaches a ticket wizard (module) that reside in the client that allows a user to modify a
  context sensitive menu. The sidebar container menu is provided on the display as shown
  in figures 6-11.The sidebar is a menu that displays contents that are contextually based
  to the user. Cadiz shows in figure 5, 550 the sidebar is on the existing device. Para 95
  and 97 disclose that the sidebar is persistent on the device. Para 107 discusses where
  the sidebar is a menu with sub-elements that can be changed by the user performing a
  function, such as drag and drop or adding a ticket. Para 176, 191 and 193 also discuss
  that the sidebar is a context menu that can be modified by existing software on the client
  device.

- Detecting an event that calls for display of the existing context menu <u>by the existing software</u>
  (Cadiz Para 0193) Cadiz teaches the detection of an event to display an additional context menu
  to modify the sidebar components.

Cadiz does not expressly teach

- modifying the existing context menu based on the additional menu information

- Subsequently displaying the modified context menu;

  o the modified context menu is different <u>from</u> the existing context menu, the modified
     context menu comprising an additional menu item as part of the context menu, the
     additional menu item being positioned within the modified context menu in accordance
     with the additional menu information and not in accordance with the existing software

- Such that the menu is existing menu is not displayed in response to said event

Miura teaches a contextual menu modification system that allows the user to open a menu and
then select a command to modify the menu, perform the modification and the system will
subsequently display the modified menu (See column 17, lines 37-60 and column 19, lines 33-67
and column 20 , lines 3-37). Miura further teaches a dialog box (See figure 7) that provides for the

customization of multiple menus (See also column 21, lines 4-45). Miura and Cadiz teach similar processes of allowing a user to select the menu items they wish to see. They also both teach contextually based menus.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Cadiz and Miura in front of them, to modify the system of Cadiz to include the menu customization of Miura. The motivation to combine Miura with Cadiz comes from the suggestion in Miura to provide improved techniques for managing menus (See column 3, lines 50-55 and column 19, lines 30-55) through the use of a menu filter specified by the user.

With respect to **dependent claim 2,** Cadiz teaches the method the existing context menu comprising at least one existing menu item, the additional menu item being positioned above the existing menu item in the modified context menu (Cadiz Para 0107-0111 and 0179-0180).

With respect to **dependent claim 3,** Cadiz teaches the method wherein the modified context menu comprises an icon displayed with the additional menu item (Cadiz figures 11a-11b and Para 0176 and 0179-0180 and 0204).

With respect to **dependent claim 4,** Cadiz teaches the method wherein the additional menu information comprises information related to an icon to be associated with the additional menu item (Cadiz figures 11a-11b and Para 0176 and 0179-0180 and 0204).

With respect to **dependent claim 5,** Cadiz teaches the method wherein the additional menu item comprises at least one sub menu that comprises at least one additional sub menu item) Cadiz figure 7 and Para 0108 and 0200)

With respect to **dependent claim 6,** Cadiz teaches the method wherein the client-side software module is provided to a user computer, the user computer displaying a Web page, the Web page

being divided into regions, the method further comprising determining in what region the user is interacting with the Web page when the event occurs (Cadiz Para 0096-0097 and 0176-0181 and 0196-0207)

With respect to **dependent claim 7,** Cadiz teaches the method further comprising selecting for display the additional menu item from a plurality of potential menu items based on the determined region (Cadiz figure 5 and 0192-0207)

With respect to **dependent claim 8,** Cadiz teaches the method wherein the client-side software module is provided to a user computer, the user computer displaying a user interface, the method further comprising determining a location of the user interface at which the user is interacting with the user interface when the event occurs (Para 0193)

With respect to **dependent claim 9,** Cadiz teaches the method further comprising selecting for display the additional menu item from a plurality of potential menu items based on the determined region (Cadiz Para 0196-0207).

With respect to **dependent claim 10,** Cadiz teaches the method wherein the client-side software module is provided to a user computer, the user computer displaying a user interface, the user interface comprising a plurality of elements, the method further comprising determining which element of the plurality of elements the user is interacting with when the event occurs (Cadiz Para 0176-0194).

With respect to **dependent claim 11,** Cadiz teaches the method further comprising selecting for display the additional menu item from a plurality of potential menu items based on the determined element (Para 0176-0194 and figure 5).

With respect to **dependent claim 12,** Cadiz teaches the method further comprising selecting for

display the additional menu item from a plurality of potential menu items based on the location of

a user computer to which the client-side software module is provided (Para 0114)

With respect to **dependent claim 13,** Cadiz teaches the method wherein the client-side software

module is provided to a user computer, the user computer displaying a Web page, the Web page

comprising a plurality of elements, the method further comprising determining which element of

the plurality of elements the user is interacting with when the event occurs(Cadiz Para 0096-0097

and 0176-0181 and 0196-0207)

With respect to **dependent claim 14,** Cadiz teaches the method further comprising selecting for

display the additional menu item from a plurality of potential menu items based on the determined

element(Para 0176-0194 and figure 5).

With respect to **dependent claim 15,** Cadiz teaches the method wherein determining which

element the user is interacting with comprises: identifying an element from the plurality of

elements that comprise an HTML structure; determining a type of the element; saving information

related to the element; determining when the user has selected text; and saving the selected text

(Cadiz Para 0116 and 0185-0195 and figure 8b –8c).

With respect to **dependent claim 16,** Cadiz teaches the method wherein identifying an element

from the plurality of elements that make up the HTML structure, determining the type of the

element, and saving information related to the element are repeated for elements above a first

identified element in the HTML structure until an element above the first identified element is no

longer valid (Cadiz Para 0211- 0212).

With respect to **dependent claim 17,** Cadiz teaches the method wherein the additional menu

item is configured based on the saved information related to the element and the saved text

(Cadiz Para 0091- 0093).

With respect to **dependent claim 18,** Cadiz teaches the method further comprising, prior to

modifying the existing context menu, obtaining information related to the existing context menu

(Cadiz Para 0091- 0093).

With respect to **dependent claim 20,** Cadiz teaches the method wherein the client-side software

module comprises a control that operates with the browser (Cadiz Para 0095-0097).

With respect to **dependent claim 21,** Cadiz teaches the method wherein the control is

implemented using an ActiveX control (Cadiz Para 0096-0097).

With respect to **dependent claim 22,** Cadiz teaches the method further comprising providing the

additional menu item as part of a general feed including button characteristics of a plurality of

buttons for a downloadable toolbar, wherein the downloadable toolbar receives the additional

menu item as a button that is not displayed (Cadiz Para 0211-0212 and Figures 5-13).

With respect to **dependent claim 23,** Cadiz teaches the method wherein the providing of the

additional menu item is performed by a server (Cadiz Para 0055-0057 and Para 0083).

With respect to **dependent claim 24,** Cadiz teaches the method the modifying the existing

context menu comprising adding the additional menu item to the existing context menu using an

application-programming interface (Para 0116-0117).

With respect to **dependent claim 25,** Cadiz teaches the method wherein an Internet content

provider maintains for a user a user account comprising user account information, and the

modified context menu is configured based on the user account information (Cadiz Para 0165).

With respect to **dependent claim 26,** Cadiz teaches the method further comprising selecting for

display the additional menu item from a plurality of potential menu items based on the user

account information (Cadiz Para 0114 and 0165).

With respect to **dependent claim 27,** Cadiz teaches the method further comprising providing the

user with the ability to log in to the content provider (Cadiz Para 0114 and 0165).

With respect to **dependent claim 28,** Cadiz teaches the method wherein the selecting for display

the additional menu item is determined by the content provider based upon the user account

information such that the selection of the additional menu item is personalized in accordance with

preferences of the user (Cadiz Para 0114 and 0165).

With respect to **dependent claim 29,** Cadiz teaches the method wherein the user account

information is maintained by the content provider, independent of a first computer having a first

browser that the user utilizes, such that the selection of the additional menu item remains

personalized when the user utilizes a second computer having a second browser (Cadiz Para

0114 and 0165).

With respect to **dependent claim 30,** Cadiz teaches the method wherein the personalization of

the selection of the additional menu item is based upon the location of the first computer, when

the user utilizes the first computer, and is based upon the location of the second computer, when

the user utilizes the second computer, such that the selection of the additional menu item is

modified based upon a location of a computer utilized by the user (Para 0112-0116).

With respect to **dependent claim 31,** Cadiz teaches the method wherein the modified context menu is configured based on a detected location at which the user is utilizing the existing software (Cadiz Figures 5-13) Cadiz shows the user can add a sidebar item to the display and arrange the items to their desire.

In regard to **Independent claim 32,** Cadiz teaches a method comprising controlling an Internet browser user interface displayable by an Internet browser on a display of a computer, and enabling a user of the computer and Internet browser to access and navigate the Internet and to receive and display one or more Web pages from one or more Internet sites, including the display of a Web page from a predetermined Internet site, the Internet browser having at least one Internet browser toolbar having at least one toolbar button providing predetermined functionality to the user of the computer and Internet browser (See figures 5-13 and Para 0096-0097), the method comprising:

> Providing, at the predetermined Internet site, access to a client-side software module for controlling the Internet browser interface (Para 0112-0018) and making available for downloading by the predetermined Internet site the client-side software module for causing the display of a user toolbar that, by virtue of its being downloaded, makes additional functionality that is not part of the Internet browser prior to download available to the user after download (Para 0112-0018), such that once the user toolbar is displayed the user toolbar remains displayed and the additional functionality remains available to the user regardless of a subsequent Internet site to which the Internet browser is caused to navigate after download (Para 0091-0097);

> The client-side software module being configured for: detecting an event that requires display of a context menu <u>by existing software</u> (See Para 95, 97 Figure 5, 550, 176, 191, 193);

>> **Cadiz does not expressly teach**

>> o modifying the existing context menu based on the additional menu information

>> o Wherein the menu is existing menu is not displayed in response to said event.

- o Displaying the modified context menu;

- o Wherein the modified context menu is different <u>from</u> the existing context menu, the

  modified context menu comprising an additional menu item as part of the context menu,

  the additional menu item being positioned within the modified context menu in

  accordance with the additional menu information and not in accordance with the existing

  software

Miura teaches a contextual menu modification system that allows the user to open a menu and

then select a command to modify the menu, perform the modification and the system will

subsequently display the modified menu (See column 17, lines 37-60 and column 19, lines 58-67

and column 20 , lines 3-37). Miura further teaches a dialog box (See figure 7) that provides for the

customization of multiple menus (See also column 21, lines 4-45). Miura and Cadiz teach similar

processes of allowing a user to select the menu items they wish to see. They also both teach

contextually based menus.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the

invention, having the teachings of Cadiz and Miura in front of them, to modify the system of Cadiz

to include the menu customization of Miura. The motivation to combine Miura with Cadiz comes

from the suggestion in Miura to provide improved techniques for managing menus (See column 3,

lines 50-55 and column 19, lines 30-55) through the use of a menu filter specified by the user.

In regard to **Independent claim 33,** Cadiz teaches a method comprising:

- • Providing, at a predetermined Internet site, access to a program for controlling the

  Internet browser interface and making available for downloading by the

  predetermined Internet site, a file for causing the display of a persistent user toolbar,

  the user toolbar making additional functionality that is not part of the Internet browser

  prior to download available to the user after download as part of the Internet browser

  interface, the additional functionality (Para 0176-0194) *Cadiz teaches the toolbar*

> *tickets/viewers are downloadable to a device and are part of a browser based*
>
> *application* comprising:

Detecting an event that requires display of a context menu <u>by existing software</u> (See

Para 95, 97 Figure 5, 550, 176, 191, 193);

- modifying the existing context menu based on additional menu information; and

  displaying the modified context menu; wherein the modified context menu is different

  than the existing context menu, the modified context menu comprising an additional

  menu item as part of the context menu, the additional menu item being positioned

  within the modified context menu in accordance with the additional menu information

  and not in accordance with the existing software (Para 0176-0194 and figures 5-13).

  Cadiz teaches the user can drag a drop a new ticket that comprises a menu item to

  be added to the toolbar, onto the sidebar and add a service that was not on the

  toolbar previously and will be stored in the user's profile. The user can also add sub-

  menu items where the information in the ticket comprises instructions on how the

  information in the menu is to be displayed. When a user adds a new e-mail contact

  or adds a new service, Cadiz teaches the interface adds a ticket that modifies the

  overall menu toolbar displayed to the user in the area that the user chooses to enter

  the new service.

In regard to **claims 34-44, 65,** claims 34-44, 65 reflect the computer readable code comprising

computer readable instructions for performing the methods steps of claims 1-9 and 15-16,

respectively, and therefore are rejected along the same rationale. With respect to claim 65, Cadiz

teaches the toolbar of the application is downloadable as the ticket/viewer and container

combinations can exist on a network and can be pushed to the client machine (See Para 0084,

0098-0099)

In regard to **claims 45-55,** claims 45-55 reflect the computer readable code comprising computer readable instructions for performing the methods steps of claims 1-9 and 15-16, respectively, and therefore are rejected along the same rationale.

In regard to **Independent claim 56,** Cadiz teaches a method comprising:

- Providing, to a user computer displaying a Web page comprising a plurality of elements, a client-side software module for modifying an existing context menu <u>in existing software</u>, the existing context menu comprising at least one existing menu item, the client-side software module comprising additional menu information, the client-side software module being configured for: detecting an event that requires a context menu <u>by the existing software</u> (Para 0112-0018) Cadiz teaches a browser based toolbar that contains a plurality of items that are menu items. Cadiz teaches the user can add a menu item on the toolbar in the location that they choose.

- Modifying the existing context menu based on the additional menu information (Cadiz Para 0077-0082 and 0112-0115) Cadiz teaches the user adds a new ticket to an existing context based menu bar.

- Identifying an element from the plurality of elements that comprise an HTML structure; determining a type of the element; saving information related to the element; determining when the user has selected text (Cadiz Para 0077-0078)

- Saving the selected text; wherein identifying an element from the plurality of elements that make up the HTML structure, determining the type of the element, and saving information related to the element are repeated for elements above a first identified element in the HTML structure until an element above the first identified element is no longer valid and wherein the additional menu item is configured based on the saved information related to the element and the saved text (Cadiz Para 0077-0082) Cadiz teaches the DHTML tickets that are saved on a database to be accessed by

the ticket manager to be presented to the user interface. Cadiz teaches the ticket

information can be dynamic and updateable within the ticket (See Para 0164-0169)

and where tickets can automatically be added to the toolbar based on the user's

selections.

Cadiz does not expressly teach

- Subsequently modifying the existing context menu based on the additional menu information

- Wherein the menu is existing menu is not displayed in response to said event.

- Displaying the modified context menu;
    - Wherein the modified context menu is different than the existing context menu, the

        modified context menu comprising an additional menu item as part of the context menu,

        the additional menu item being positioned within the modified context menu in

        accordance with the additional menu information and not in accordance with the existing

        software

Miura teaches a contextual menu modification system that allows the user to open a menu and

then select a command to modify the menu, perform the modification and the system will

subsequently display the modified menu (See column 17, lines 37-60 and column 19, lines 58-67

and column 20 , lines 3-37). Miura further teaches a dialog box (See figure 7) that provides for the

customization of multiple menus (See also column 21, lines 4-45). Miura and Cadiz teach similar

processes of allowing a user to select the menu items they wish to see. They also both teach

contextually based menus.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of

the invention, having the teachings of Cadiz and Miura in front of them, to modify the system of

Cadiz to include the menu customization of Miura. The motivation to combine Miura with Cadiz

comes from the suggestion in Miura to provide improved techniques for managing menus (See

column 3, lines 50-55 and column 19, lines 30-55) through the use of a menu filter specified by

the user.

In regard to **Independent claim 57,** Cadiz teaches a method comprising:

- Providing the user with the ability to log in to <u>an internet</u> content provider (Para 0165)

- Maintaining for the user a user account comprising user account information, providing a client-side software module for modifying an existing context menu <u>in existing software</u> (See Para 95, 97 Figure 5, 550, 176, 191, 193), the client-side software module comprising additional menu information and being configured for: detecting an event that requires display of a context menu <u>by existing software</u> (See Para 0164-0169) Cadiz teaches the user profile roams to the specific device and based on the profile the device the appropriate ticket/viewer will be presented.

- Selecting for display the additional menu item from a plurality of potential menu items based on the user account information such that the selection is personalized in accordance with preferences of the user (See Cadiz Para 0087).

Cadiz does not expressly teach

- Subsequently modifying the existing context menu based on the additional menu information

- Wherein the menu is existing menu is not displayed in response to said event.

- Displaying the modified context menu;
    - Wherein the modified context menu is different <u>from</u> the existing context menu, the modified context menu comprising an additional menu item as part of the context menu, the additional menu item being positioned within the modified context menu in accordance with the additional menu information and not in accordance with the existing software

Miura teaches a contextual menu modification system that allows the user to open a menu and then select a command to modify the menu, perform the modification and the system will subsequently display the modified menu (See column 17, lines 37-60 and column 19, lines 58-67 and column 20 , lines 3-37). Miura further teaches a dialog box (See figure 7) that provides for the customization of multiple menus (See also column 21, lines 4-45). Miura and Cadiz teach similar

processes of allowing a user to select the menu items they wish to see. They also both teach

contextually based menus.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of

the invention, having the teachings of Cadiz and Miura in front of them, to modify the system of

Cadiz to include the menu customization of Miura. The motivation to combine Miura with Cadiz

comes from the suggestion in Miura to provide improved techniques for managing menus (See

column 3, lines 50-55 and column 19, lines 30-55) through the use of a menu filter specified by

the user.

In regard to **Independent claim 58,** Cadiz teaches a method comprising: accessing additional

menu information; detecting an event that requires display of a context menu <u>by existing software</u>

<u>via a client side software module</u> (See Para 95, 97 Figure 5, 550, 176, 191, 193); modifying the

existing context menu based on the additional menu information; and displaying the modified

context menu; wherein the modified context menu is different <u>from</u> the existing context menu, the

modified context menu comprising an additional menu item as part of the context menu, the

additional menu item being positioned within the modified context menu in accordance with the

additional menu information and not in accordance with the existing software(Para 0012-0015

and 0164-0169). Cadiz teaches a mechanism to add a context menu to a sidebar to be included

within an existing set of context menus (See 0104-0111). The new menu can be any type of

information that the user desires to monitor (See 0192-0195) and once the user chooses to add

the ticket and drags and drops the ticket on the toolbar the ticket is added and the information

related to the ticket is retrieved. The ticket describes how the information is to be displayed and

not the container in which the ticket is added.

With respect to **dependent claim 59,** Cadiz teaches a method the existing context menu

comprising at least one existing menu item, the additional menu item being positioned above the

existing menu item in the modified context menu (Cadiz Para 0107-0111 and 0179-0180).

With respect to **dependent claim 60,** Cadiz teaches a method wherein the modified context menu comprises an icon displayed with the additional menu item (Cadiz figures 11a-11b and Para 0176 and 0179-0180 and 0204.

In regard to **Independent claim 61,** Cadiz teaches a method comprising: providing information regarding position of the additional menu item within the context menu, the additional menu item not being an existing menu item; and making the additional menu item available to be displayed to a user as part of the context menu in accordance with the information regarding position (Para 0176-0181) Cadiz teaches the tickets can be displayed, arranged and dropped in any configuration the user desires. Further, Cadiz teaches the location within the toolbar can be locked or fixed, which is a position indicator.

Cadiz does not expressly teach

* Subsequently modifying the existing context menu based on the additional menu information

* Wherein the menu is existing menu is not displayed in response to said event.

* Displaying the modified context menu;

    Miura teaches a contextual menu modification system that allows the user to open a menu and then select a command to modify the menu, perform the modification and the system will subsequently display the modified menu (See column 17, lines 37-60 and column 19, lines 58-67 and column 20 , lines 3-37). Miura further teaches a dialog box (See figure 7) that provides for the customization of multiple menus (See also column 21, lines 4-45). Miura and Cadiz teach similar processes of allowing a user to select the menu items they wish to see. They also both teach contextually based menus.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Cadiz and Miura in front of them, to modify the system of Cadiz to include the menu customization of Miura. The motivation to combine Miura with Cadiz comes from the suggestion in Miura to provide improved techniques for managing menus (See column 3, lines 50-55 and column 19, lines 30-55) through the use of a menu filter specified by the user.

In regard to **Independent claim 62,** Cadiz teaches a method comprising: providing additional menu

information regarding <u>an</u> additional menu item, the additional menu item not being an existing menu item;

receiving context menu information related to existing menu items; modifying the context menu

information based on the additional menu information; and making the additional menu item available to

be displayed to a user as part of the context menu (Para 0012-0015 and 0164-0169). Cadiz teaches a

mechanism to add a context menu to a sidebar to be included within an existing set of context menus

(See 0104-0111). The new menu can be any type of information that the user desires to monitor (See

0192-0195) and once the user chooses to add the ticket and drags and drops the ticket on the toolbar the

ticket is added and the information related to the ticket is retrieved.

Cadiz does not expressly teach

- Subsequently modifying the existing context menu based on the additional menu information

- Wherein the menu is existing menu is not displayed in response to said event.

- Displaying the modified context menu instead of the existing menu;

   Miura teaches a contextual menu modification system that allows the user to open a menu and

   then select a command to modify the menu, perform the modification and the system will

   subsequently display the modified menu instead of the existing menu (See column 17, lines 37-

   60 and column 19, lines 58-67 and column 20 , lines 3-37). Miura further teaches a dialog box

   (See figure 7) that provides for the customization of multiple menus (See also column 21, lines 4-

   45). Miura and Cadiz teach similar processes of allowing a user to select the menu items they

   wish to see. They also both teach contextually based menus.

      Accordingly, it would have been obvious to one of ordinary skill in the art at the time of

   the invention, having the teachings of Cadiz and Miura in front of them, to modify the system of

   Cadiz to include the menu customization of Miura. The motivation to combine Miura with Cadiz

   comes from the suggestion in Miura to provide improved techniques for managing menus (See

   column 3, lines 50-55 and column 19, lines 30-55) through the use of a menu filter specified by

   the user.

   With respect to **dependent claim 63** Cadiz teaches a method wherein the additional menu

information comprises information regarding position of the additional menu item relative to the existing menu items within the existing context menu (Cadiz Para 0107-0111 and 0179-0180).

With respect to **dependent claim 64,** Cadiz teaches a method further comprising: determining that a context menu is to be displayed; in response to determining the context menu is to be displayed, accessing context menu information related to the existing context menu (Para 0084-0088).

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck,* 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson,* 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

6.   **Claims 19 is rejected under 35 U.S.C 103(a) as being unpatentable over Cadiz et al (hereinafter Cadiz) U.S. Pub. No. 20020186257 published Dec. 12, 2002 and filed June 8, 2001.**

With respect to **dependent claim 19,** as indicated in the above discussion, Cadiz teaches every element of claim 18.Cadiz does not expressly teach the method wherein the obtaining comprises subclassing a browser window. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Cadiz, because Cadiz teaches that a derived interface contract is established with the active-x servers in which a tickets viewer can access the tickets XML files via an interface. The ticket interface is a COM interface between the container and the ticket viewer server, which provides an interface to each viewer. A derived interface contract, in the examiners interpretation, is a sub-classed browser mechanism if the interface runs within a browser and intercepts messages to and from the server without interfering with the other components within the toolbar or the display (See 0095-0097 and 0116-0117).

Response to Arguments

7.   Applicant's arguments with respect to claims 1-65 have been considered but are not persuasive

Applicant's argument that Miura does not teach or disclose the claim limitation of claim 1

Applicant argues that the combination of Cadiz and Miura do not suggest of disclose a process of

having client side software module for controlling existing software to effect a modified context

menu comprising an **additional** menu item being positioned within the modified menu because

they interpret Miura as being silent as to displaying a modified context menu wherein the context

menu is not displayed in response to an event and does not teach displaying an additional menu

item in accordance with the client side software module and not in accordance with the existing

software.

The Examiner disagrees.

In response, the Examiner based the opinion on the base reference of Cadiz that teaches a

sidebar menu that provides a context menu and controls to allow the user to add, replace, delete

or otherwise modify the sidebar menu. Miura was relied upon to show how a context menu can

be modified based on the presence of an additional menu item. In following the teachings of

Miura (column 17, lines 37-67) Miura teaches the default and context menu bases that are

displayed to a user based on the cursor (event) activation, and further teaches that the menus

can be dynamically customized to apply to the context at the time the menu is requested. The

menu customization would include a user definition for a menu that is stored in a file. The data

filter will retrieve the file in a request for the menu. Therefore, the base menu and context default

menu will not be displayed and the menu defined in the data file will be displayed, which

represents the structure to add a menu item that was not there before (described in the data file)

and to suppress a menu (default menu) from not being displayed and displaying the menu under

control of the data file as presented by the filter (client side module). The users data file is not a

part of the existing software and therefore represents a mechanism to override the software. For

example, (See column 21, lines 4-53 and Figure 7), the user can load a saved menu file to

override a menu and configure it by adding items to the menu. The menu would then be

displayed after a specific user defined event, as represented by the data file. Moreover, the dialog

box allows the user to define the location of the menu in the QUAD area 778 and allows the user

to select the action to be placed in the menu structure 790 as it is to be modified.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5598522 to Inatomi, which discloses a system, that allows for the customization

of a context menu on a graphical object.

U.S. Patent No. 5625783 to Ezekiel et al., which specifically discloses a process of using

software resident on the local client to dynamically modify a context menu by merging commands

associated with a program.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of

the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can

normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/
Patent Examiner
Art Unit 2179

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179